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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,469

09/19/2003

Katell Decamp

6300-30

8868

86002

7590

05/17/2010

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EXAMINER

REESE, DAVID C

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

05/17/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,469	<b>Applicant(s)</b> DECAMP, KATELL	
	<b>Examiner</b> DAVID REESE	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9,11-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-9, 11-15, and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

THIS FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 4/28/2010.

- Claims 1-7, 10, and 16 are canceled.
- Claims 8 and 14 were amended.
- Claims 8-9, 11-15, and 17-19 are pending.

### ***Claim Rejections - 35 USC § 102***

[1] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[2] Claims 8-9, 11-12 and 14-15, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fordyce, US-3,037,596 because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

Fordyce discloses of an assembly comprises a rack (12) and an inertial unit (17). The rack has a plurality of pegs (16). Each of the pegs has an anterior portion and a posterior portion. The inertial unit has a plurality of sleeves (18), each of the sleeves (18) having an associated sleeve diameter. The pegs and the rack form one integral peg/rack piece with the posterior portion of each of the pegs fixed to the rack (Figs. 1-2). An amount of pegs and an amount of sleeves are equal (Fig. 1). The anterior portion of each of the pegs includes a generally conical introduction portion (21) having a diameter that is less than the sleeve diameter at any point along substantially the entire length of the introduction portion, whereby the introduction portion (21) is configured to be introduced with clearance into each respective one of the sleeves (18),

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the introduction portion (21) transitioning to a posterior fixing part including a cylindrical part (between 19 and 22) having a diameter that is greater than a respective one of the sleeve diameters (18) but adapted to fit within a respective one of the sleeves (see fig. 2), whereby the cylindrical part is configured to compensate for the clearance, the entire introduction portion (21) and the entire cylindrical part (area between 19 and 22) of each peg being situated within a respective one of the sleeves (see fig. 2). The pegs and the sleeves are substantially axially aligned when after the inertial unit is push-fitted onto the peg/rack piece (Figs. 1-2)

each peg (16) including a slot (27) extending longitudinally from the introduction portion (21) through at least the cylindrical part (between 19 and 22) of the posterior fixing part so as to form two elastic portions, the slot (27) extending across the entire width of the peg (16);

the cylindrical part (area between 19 and 22) of each peg received in a respective one of the sleeves (18) such that the elastic portions bend inward toward each other, wherein the cylindrical part engages the sleeve and exerts a force thereon due to the flexing of the two elastic portions such that there is no clearance therebetween, thereby anchoring the peg (16) in the sleeve (18); and

Each of the peg has a lateral flat (see fig. 2).

The posterior fixing part of each of the peg comprises a part (area right before 22) that does not compensate for the clearance.

The part (area right before 22) that does not compensate for the clearance is frustoconical and situated behind the cylindrical part (area between 19 and 22).

***Claim Rejections - 35 USC § 103***

[3] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[4] Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fordyce, US-3,037,596, in view of King, Jr. (SU 3,962,775).

Fordyce fails to disclose that each of the pegs is coated with a graphite deposit. However, King teaches the use of graphite on an expansion, in a sleeve, such as graphite, as a lubricant (column 12, lines 4-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the pegs disclosed by Fordyce with a graphite deposit as taught by King to lubricate the peg thereby allowing easier insertion into the sleeve.

***Response to Arguments***

[5] Applicant's amendment, see amendment and remarks filed 4/28/2010, with respect to the rejection(s) of claim(s) under Black et al., have been fully considered. However, upon further consideration of the amended claims, a new ground(s) of rejection is made in view of Fordyce, US-3,037,596, which shows in particular detail the amended and claimed structural features of the peg's anterior/posterior portion. Consequently, all arguments are considered moot to said new grounds of rejection. Please also see the additional notice of reference cited.

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*Conclusion*

[6] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached at (571) 272-6987. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID REESE/

Examiner, Art Unit 3677